

Indianapolis Charter Schools

Special Education File Review

Overview

Purpose: Protect the rights, meet individual needs, and improve the results of students with disabilities and their families.

School Mandate: Schools must provide an array of specialized services and supports designed to help students with disabilities access the general education curriculum in a manner equivalent to their non-disabled peers. Mayor of Indianapolis Charter Schools need to ensure capacity to provide high quality and effective services & learning related to special education:

- Identifying and evaluating students with disabilities,
- Hiring appropriate staff,
- Determining whether child had IEP at prior school,
- Making referrals,
- Convening multi-disciplinary teams,
- Supervising and evaluating staff,
- Deciding how to spend dollars,
- Reporting data as required,
- Retaining legal counsel if needed,
- Providing PD,
- Paying transportation costs for special education students

Charter schools must meet legal requirements & ensure effective practice in programs & services.

Special Education File Review Standard

3.4. Is the school properly maintaining special education files for its special needs students?

Does not meet Standard	The school is not fulfilling its legal obligations regarding proper maintenance of special needs students' files, and requires substantial improvement in order to achieve compliance such as the following: individualized education plans are up-to-date, student evaluations or re-evaluations have occurred within the appropriate timeframe, files contain the relevant required information, such as, file log sheet, parent consent form, documentation of case conference notification to parents and other conference participants and signatures of attendees at case conferences. A school does not meet the standard if any individual education plans have not been updated within the appropriate timeframe.
Approaching	The school is not yet completely fulfilling all of its legal obligations proper maintenance of special-needs students' files, and requires <i>some</i> (but not considerable) improvement

standard	to fully achieve conditions such as the following: individualized education plans are up-to-date, student evaluations or re-evaluations have occurred within the appropriate timeframe, files contain the relevant required information, such as, file log sheet, parent consent form, documentation of case conference notification to parents and other conference participants and signatures of attendees at case conferences.
Meets standard	The school is fulfilling its legal obligations regarding special-needs students, as indicated by conditions such as the following: individualized education plans are up-to-date, student evaluations or re-evaluations have occurred within the appropriate timeframe, files contain the relevant required information, such as, file log sheet, parent consent form, documentation of case conference notification to parents and other conference participants and signatures of attendees at case conferences.

File Review Process

There are currently two activities associated with the special education file review standard and process, each designed to ensure schools meet the standard.

1. Each charter school in the fall of the **second year of operation** will be scheduled for a special education file review. At the beginning of this review, a team of external evaluators will work with school staff to ensure understanding of the file review process and criteria. The external team will provide designated school staff with the criteria checklist and will go over specific files to ensure school staff understands the file review process. After the file review is completed, the school and the Mayor's office will be provided a report that summarizes findings from the file review.
2. Each school in the **fourth year of operation** will have a special education file review. A team of experienced external evaluators will visit the school and review each file. School staff will not be involved with the review of special education files. After the visit, the school and the Mayor's office will be provided a summary report that identifies findings from the file review. The fourth year decision regarding the extent to which the school's meets or does not meet this standard will be based on the results from this file review.

*Schools are strongly encouraged to schedule 1-2 hours with the evaluation team to be sure they are on track for meeting the special education file review standards. Contact Tyler Sparks (tysparks@indiana.edu) to schedule this training.

In the years in which schools have a special education file review, the following procedures will guide the planning and implementation of the review:

1. Several weeks prior to the file review, the Mayor's charter school staff will contact the school to:
 - a. Schedule the date for the file review,
 - b. Request a list of each student in the school who has a disability, along with their disability designation, and date of the **most recent IEP**,
 - c. Request a list of staff who have primary responsibility for serving special education students and evidence of their qualifications and licensure information,

- d. Ask the school to have available for the review team any written policies or evidence related to the special education files or program, and
 - e. Identify the person (or team) in the school who will be interviewed in order to provide information about special education.
2. When the review team arrives, they will check in with the school leader and confirm that the team has the most recent information (list above), and the time for the interview. The team leader will ask for the information noted above about the special education program and about the location of the special education files and review team working space.

NOTE: For schools in their second year of operation, the team will work with one or more staff identified by the school in order to ensure that school staff understands the file review process and criteria. This typically will take 30 – 60 minutes. For schools in the fourth year of operation and beyond, there will be no review with school staff; rather the review team will work alone on the file review.

3. Each review team reviews every file and complete the criteria checklist provided. If there are questions regarding file compliance issues, the team may call upon individuals with relevant expertise, such as the Department of Education, Mayor's office staff or special education experts.
4. For reviews connected to 4th year reviews, one team member will interview staff with designated responsibility for special education to gather basic information about number and qualifications of staff with primary responsibility for special education, and about school special education program and services, issues with files, etc.
5. A written report will be developed and reviewed by team members and school staff, and then sent to the Mayor's office. The Mayor's charter school staff conducts any follow-up that is required.

File Criteria Checklist

1. Security
 - a. Files are in a locked and secure location.
2. File Components:
 - a. Log sheet is in each folder
 - b. Date of original case conference is within 60 days of the initial referral (only if current school initiates evaluation)
 - c. File includes information about eligibility for services (general education committee notes, observations, etc.)
 - d. Original or most recent psychoanalytic report is current (dates less than 3 years)
 - e. Evidence indicating parent knowledge of disability and IEP (signature on past evaluations or conferences or recent signature indicating parent knowledge of child's needs)
3. Case Conference Notification---check all components included in the file.
 - a. Information about notification of most recent case conference (copies of letters, notes on contact attempts)
 - b. Parent/guardian was given adequate notice (best practice 10 days)
 - c. Evidence parent is aware of rights (e.g., signs procedural safeguards)---attendees & roles, invite others, meeting details
4. Case Conference Participants---check all participants who indicated attendance by signing the report

- a. Parent(s) or Guardian(s)
 - b. General education teacher
 - c. Teacher of Record
 - d. Charter school representative (must be able to commit funds)
 - e. Child if appropriate (must be invited if discussing transition or if 14 or older)
 - f. Other: (list)
5. Components of the Current IEP---check all components that are included.
- a. IEP is current (12 months or less from last IEP)
 - b. IEP shows date of initiation and information on services and aids, i.e. frequency, duration, location
 - c. File includes info. on student's present levels of educational performance
 - d. Specifies measurable annual goals
 - e. Statement regarding how and when goals will be measured (who will test, what will be tested, frequency)
 - f. Statement regarding how parents will be informed of progress, e.g., process, frequency
 - g. Statement indicating testing program that will be used (ISTEP+, ISTAR)
 - h. List of allowable testing accommodations for ISTEP+
 - i. List of classroom accommodations
 - j. Statement indicating what types of assistive technology will be provided (if any)
 - k. Statement about the degree to which student will not participate in general education & reasons for exclusion
 - l. Statement indicating the need for extended school year
 - m. If needed, a behavior plan based on Functional Behavior Assessment is included
6. Transition Plan for Students who are 14+
- a. Statement that shows that parents & student have been informed of transfer of rights when student turns 18
 - b. Statement of transition services needed
 - c. Statement about students future educational goals

Checklist – Additional Information

Each number references the corresponding number on the “Special Education File Review Criteria Checklist.”

1. File includes documents and/or evidence of eligibility for services. Prior to designating a child with a disability, school staff must complete an examination of information and observations related to an identified students' functioning and needs. This step intends to specify general education strategies that might address the child's needs vs. having a special education designation. These pre-referrals for evaluation might include general education committee meetings and notes, observation notes, and other documentation related to pre-referral activities. Also included in the folder should be documentation about the initial date and timeline of referral for evaluation and results from the psychological tests, and other relevant information to show that school's staff knows the students disability designation, have parental involvement and permission, and know appropriate accommodations and learning goals and supports. It is also important to document parental consent and knowledge regarding disability designation and educational support plan. Options when paperwork is not forthcoming from prior

schools---Mayor's charter schools should document attempts to obtain paperwork and conduct as needed conduct re-evaluations. (NOTE: It is unclear how a school can serve a child without a minimum amount of background information.)

3. Notification for case conferences and signatures on case conference documents. Ten days is not a legal requirement but is considered by many to be best practice. If the parent is present and signs the case conference report, this is acceptable but the team report may note that there is not sufficient notice or there was a lack of information regarding attempts to notify parents found in the files. Post-dating signatures is a questionable practice. For example, if a parent participates in the case conference via telephone, it would not be possible to have the parent sign the case conference documents. When signatures are post-dated, there should be detailed notes in the files that describe the circumstances related to post-dated signatures.
3. The file should contain copies (when possible and relevant) or describe attempts to notify parents regarding case conferences.
4. Case conference participants---each school staff person can serve only one role. For example, the same school staff person cannot serve as the teacher of record and the school representative. The school representative must be someone who has the authority to commit funds.
4. Files should make clear the purpose for each case conference---initial, annual, triennial, transition (14 years old), etc.
5. IEP goals should be stated in ways that it is clear how goals will be measured. The file review team does not evaluate the quality and scope of goals but it is very important for the school to consider whether goals are measurable and sufficiently rigorous to ensure student progress.
6. Many of the IEPs that have been reviewed indicate that parents will be informed about learning and progress via the school report card. The school should consider whether the regular school report provides sufficient information about the learning and progress of students with special needs.

Checklist – Summary of Common Issues

Below is a summary of issues that have been most frequently identified from two years of special education file reviews.

IEP Issues:

- Most serious and most frequent---having IEPs that are not current in that student has not been re-evaluated within the last year or having NO current IEP in the file (e.g., noted to be incomplete, student tested but no IEP, lacking signatures, etc.).
- Folders are missing or empty and there is no log sheet that shows the location of the file.
- Initial evaluation not completed in appropriate timeframe.
- Missing information from the initial evaluation and/or from the most recent annual case conference or lack of documentation of attempts to obtain needed information and/or school steps to ensure they have appropriate information for serving a special needs child. It is unclear how to provide appropriate

services without an understanding about the disability designation and about the progression of goals and learning for the student.

- Missing parent signatures that indicate parent knows disability designation and agrees with current educational support plan.
- Missing files. Student folders are either empty or there are students identified as special education file but there are no files for those students
- Having no behavior plan when behavior is identified as a barrier to learning in the evaluation report.
- IEP does not specify learning accommodations (almost all specify testing accommodations).

Location & Security of Files:

- No log sheets to show who is accessing files and/or where the files are, if they are not in the special education file drawer.

Case Conference Issues:

- lack of documentation or notes regarding attempts to notify parents (time, date & location, who will be present, parent rights),
- ensuring appropriate people are present (school teacher of record/other educator and school representative who can commit funds, student if they are 14 or older),
- ensuring appropriate signatures on case conference documents,
- inconsistencies in I-CAN and paper documentation

Checklist – Frequently Asked Questions

1. Question: Is it necessary for special education file cabinets to be fire proof? Locked?

Suggestion: Special education records should be stored in a locked cabinet or in a locked room that is used exclusively for the special education records. Having fire proof cabinets seems a good idea and it seems clear that were there to be a fire, the school would continue to be responsible for providing relevant documentation for all special education students. It seems this would require significant additional work.

2. Is there a certain order that documents must be found in a student file?

Answer: NO but having a consistent order would make it easier for the school and reviewers to ensure that all necessary components are accounted for. It makes some sense to have files in chronological order with the most recent information filed first in the folder.

3. If the student has a behavior plan or a health plan, does that belong with the IEP or in a separate file folder? What belongs in the folder with the IEP?

Answer: The essential components of the special education file are identified on the attached criteria sheet. If the behavior plan is part of the child's IEP plan, then it must be in the file folder. I'll check on

the answer to the health plan though I know that it would not be a problem to have the health plan in the IEP.

4. When a conference is scheduled by phone, is it okay that parents sign at the time of the conference.

Answer: Document that the parent was informed about the conference via telephone. It is acceptable to have the parent sign at the conference, but your documentation should make clear that the parent agrees that they had reasonable advance notice.

5. Per the sample reports, the current process assumes that the original special education documentation (multi-disciplinary report and parent signatures) are available and accessible to charter schools. The process must take into account that schools have no control over this.

Answer: Charter schools should make and document reasonable effort to obtain the background information from prior schools. The most important point to consider is whether there is sufficient information available to the school to understand what the child's learning issues and needs are. Verbal reports from the child or parent are not sufficient basis for making these determinations. Schools should either have past documentation or initiate a re-evaluation. Schools should inform the Mayor's office regarding districts and/or schools that consistently fail to forward needed student documentation. Several participants noted that they have much better luck getting IPS records if they go in person.

6. We need some clarification as to whether a signature on the procedural safeguards is sufficient evidence that a parent has been made aware of his/her rights to bring other interested parties.

Answer: Yes, this is sufficient.

7. The Mayor's office must be sensitive to the practice of special education parents intentionally hiding a student's disability. This makes compliance with move-in regulations difficult.

Answer: All schools present at the training agree that this is an issue. The school must be diligent in having a process (e.g., asking parents, routinely requesting special education records when requesting other transfer documents from prior schools) and documenting efforts to identify student needs in a timely manner. One suggestion is to include a question on the application or admissions paperwork.

8. How do we as schools get a better handle on student mobility issues as they related to obtaining original information such as original parent signatures approving special education services? It seems as though a great deal of information is lost (with highly mobile students).

Answer: See number 5 above